

**Exhibit F**



1 a *lis pendens* against the real property was improper in this case and requested that  
2 plaintiff withdraw his motion. The court further found that plaintiff's *lis pendens* Motion  
3 was improper under RCW 4.28.320 and, therefore, was not well-grounded in fact, not  
4 warranted by existing law, nor was it a good faith argument for the extension,  
5 modification, or reversal of existing law, or the establishment of new law. As a result,  
6 the court ruled that plaintiff's motion violated CR 11 and awarded Defendants sanctions  
7 in the amount of \$1,500.00.

8 2. Service of the Motion.

9 The Motion for Sanctions was served on plaintiff via mail on April 19, 2012.  
10 CR 6(e) provides that service by mail is deemed complete 3 days after mailing. Thus,  
11 service by mail was technically perfected on Monday, April 23, four days before the  
12 hearing. However, because the parties have agreed to service of documents via email,  
13 Defendants' counsel intended to email the Motion for Sanctions to plaintiff. That  
14 apparently did not occur; however, plaintiff was well aware of Defendants' Motion for  
15 Sanctions and failed to appear for the hearing. Declaration of William Fig, Exhibit 1.  
16 More importantly, until now, plaintiff did not raise any objection regarding the timing of  
17 the service of the Motion for Sanctions.

18 **B. DISCUSSION**

19 Plaintiff had adequate notice of Defendants' Motion for Sanctions. He clearly  
20 was not prejudiced by the timing of service of the Motion for Sanctions. In fact, on  
21 April 25, 2012, plaintiff acknowledged to Defendants' counsel the receipt of the Motion  
22 and the April 28, 2012 sanctions hearing. Yet, until these present motions were filed,  
23 plaintiff failed to make any written objection whatsoever to Defendants counsel or the  
24 court regarding the timing of the service of the motion. Plaintiff has still failed to file any  
25 substantive objection to the Motion.

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1 Based on the above, the court should not reconsider its ruling on Defendants'  
2 Sanctions Motion. Plaintiff's oral argument cannot change the facts set forth in  
3 Defendants' Sanctions Motion. However, if the court is inclined to allow plaintiff to be  
4 heard on this issue, Defendants suggest that any argument be held on June 8, 2012,  
5 the date for the hearing on Defendants' Motion for Partial Summary Judgment and  
6 Second Motion for Sanctions.

7 **CONCLUSION**

8 Based on the above, Defendants respectfully request that the court deny  
9 plaintiff's motions.

10 Dated this 11<sup>th</sup> day of May, 2012.

11 SUSSMAN SHANK LLP

12  
13 By

14 William G. Fig, WSBA 33943  
billf@sussmanshank.com  
Attorneys for Defendants

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CERTIFICATE OF SERVICE

THE UNDERSIGNED certifies:

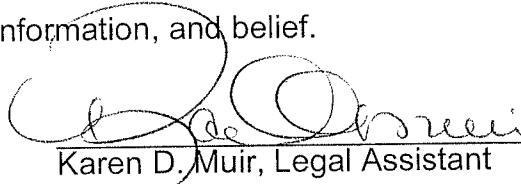
1. My name is Karen D. Muir. I am a citizen of Washington County, state of Oregon, over the age of eighteen (18) years and not a party to this action.

2. On May 11, 2012, I caused to be delivered via **first-class U.S. Mail, postage prepaid, and email** a copy of: **DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTIONS TO VACATE AND FOR DENIAL OF SANCTIONS** to the interested parties of record, addressed as follows:

Joseph A. Connor III  
PO Box 1474  
Cobb, CA 95426  
Email: jaconnor3@netzero.net

and to:  
1616 Liholiho Street #1502  
Honolulu, HI 96822

I SWEAR UNDER PENALTY OF PERJURY that the foregoing is true and correct to the best of my knowledge, information, and belief.

  
Karen D. Muir, Legal Assistant

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